

SERIAL NO. 10/036,866

MAMEDOV, BETHKE, SHAIKH, APAUJO, KULKARNI, KHODAKOV

PATENT APPLICATION

STC-01-0002

IV. Claims 10-12 and 17 drawn to catalyst compositions classified in class 502 and several sub-classes

V. Claims 18-36 directed to a process of making a catalyst composition classified in class 502 and several subclasses

VI. Claims 37-56 directed to a process of making a catalyst composition classified in class 502 and several subclasses

VII. Claims 57-79 directed to a process of making a catalyst composition classified in class 502 and several subclasses

VIII. Claims 80-106 directed to a process of making a catalyst composition classified in class 502 and several subclasses

IX. Claims 107-125 directed to a process of ammoxidation of alkanes using a catalyst composition classified in class 502 and several subclasses

X. Claim 126 directed to a process of ammoxidation of alkanes using a catalyst composition classified in class 502 and several subclasses

XI. Claim 127 directed to a process of ammoxidation of alkanes using a catalyst composition classified in class 502 and several subclasses

XII. Claim 128 directed to a process of ammoxidation of alkanes using a catalyst composition classified in class 502 and several subclasses

The applicants provisionally elect Group I, Claims 1, 2 and 13, with traverse.

RESTRICTION OF GROUPS I-IV

The examiner states that Groups I-IV are unrelated and cites MPEP §§806.04 and 808.01, both entitled "Independent Inventions". The examiner's justification for requiring restriction was that the groups of claims have different core structures and different properties.

A restriction requirement is appropriate for two different combinations not disclosed as capable of use together, for process and apparatus and independent species under a genus (MPEP §806.04). As set forth in MPEP §808.01, restriction is appropriate when inventions are not connected in design, operation or effect and are unrelated which is a rare situation.

Under the disclosure of this particular application the invention of the Groups I-IV claims are connected in design, operation and effect. The catalysts of the Group I-IV claims are "for vapor phase ammoxidation of alkanes and olefins". The transition phrase used in Claim 1 of Group I is "comprising" which is inclusive or open-ended and does not exclude additional, unrecited elements or method steps (MPEP §2111.03). "Comprising" means that the named elements are essential, but other elements may be added and still form a construct within the scope of the claim (Molecular Research Corp. v. CBS, Inc., 793 F2d 1261, 229 USPQ 805 (CAFC 1986); In re Baxter, 656 F2d 679, 686, 210 USPQ 795, 803 (CCPA 1981)).

Furthermore, the formulae depicted in Claims 3, 6 and 10 of Groups II, III and IV, respectively, can be the same as the formula depicted in Claim 1 of Group I if the variables b' , c and c' are 0 as is permitted in the respective claims; therefore, Groups I-IV do not have different core structures. The structure VSb_aM_b is present in all claims of Groups I-IV. The dependent claims of Groups II, III and IV optionally add other elements within the scope of the independent Claim 1 of Group I.

The applicants respectfully point out that all catalyst compositions of Groups I-IV are for vapor phase ammoxidation of alkanes and olefins and contain the same VSb_aM_b core structure. There is no disclosure that the compositions are useful to make another final product nor has the examiner presented such an example. The inventions of Group I-IV are not in fact unrelated as the examiner alleges. In addition, 37 CFR §1.141 provides that more than one species of an invention may be specifically claimed in different claims in one application. Accordingly, the applicants respectfully request that the restriction requirements be withdrawn and the claims of Groups I-IV be rejoined.

RESTRICTION OF GROUPS I AND V

The examiner asserts that, though Group I is related to Group V as product and process of making, the product as claimed can be made by another materially different process and cites MPEP

\$806.05(f) which is entitled "Process of Making and Product Made - Distinctness".

The examiner cited "the examples in page 21 and 16" as support for the product being made by a materially different product. Claim 1 of Group I claims in part "[a] catalyst composition for vapor phase ammoxidation of alkanes and olefins comprising a compound of the formula: $VSb_xM_yO_z$ wherein V is vanadium, Sb is antimony, M is **at least one** element selected from the group consisting of **magnesium, aluminum, zirconium, silicon, hafnium, titanium and niobium** ..." (emphasis added). Example 3 on page 21 discloses a catalyst of nominal composition $VSb_5Al_5Nb_5O_x$ prepared by dissolving an aluminum compound in water and an antimony compound in nitric acid, adding the antimony slurry to a vanadium compound in water, adding a niobium compound dissolved in water to the antimony/vanadium solution, and adding the antimony/vanadium/niobium slurry to the aluminum gel. Example 3 on page 16 discloses a catalyst of nominal composition $VSb_5Mg_5O_x$ prepared by dissolving a vanadium compound in water and an antimony compound in nitric acid, adding the two solutions together, dissolving a magnesium compound in water and adding the magnesium solution to the vanadium/antimony solution. $VSb_5Al_5Nb_5O_x$ of Example 6 and $VSb_5Mg_5O_x$ of Example 3 are both within the scope of Claim 1.

Claim 18 of Group V claims in part a process of making a catalyst composition by "forming a solution of a vanadium compound, an antimony compound and at least one compound of M wherein M is selected from the group consisting of magnesium, aluminum, zirconium, silicon, hafnium, titanium and niobium ...". The processes of making the catalyst of Example 8 in which a solution of aluminum, antimony, vanadium and niobium is formed and the catalyst of Example 3 in which a solution of vanadium, antimony and magnesium is formed are both within the scope of Claim 18. The examples cited by the examiner do not support his assertion that the product as claimed can be made by another materially different process and, on this basis, the restriction requirement should be withdrawn and the claims of Groups I and V rejoined.

RESTRICTION OF GROUPS II AND VI

The examiner asserts that, though Group II is related to Group VI as product and process of making, the product as claimed can be made by another materially different process and cites MPEP §806.05(f) which is entitled "Process of Making and Product Made - Distinctness".

The examiner cited "the examples in page 21 and 22" as support for the product being made by a materially different product. Claim 3 of Group II claims in part a catalyst

composition of the formula $VSb_aM_bM'_cO_x$ wherein M and M' are each one element selected from the group consisting of **magnesium, aluminum, zirconium, silicon, hafnium, titanium and niobium ...**" (emphasis added). Example 8 ($VSb_5Al_5Nb_5O_x$) on page 21 was described above. Example 9 on page 21 discloses a catalyst of nominal composition $VSb_5Al_5Mg_{0.2}O_x$ prepared by dissolving an aluminum compound in water and a vanadium compound in water, adding the vanadium solution to an antimony compound dissolved in water, adding a magnesium compound dissolved in water to the vanadium/antimony solution, adding the precipitate to the aluminum solution. $VSb_5Al_5Nb_5O_x$ of Example 8 and $VSb_5Al_5Mg_{0.2}O_x$ of Example 9 are both within the scope of Claim 3.

Claim 37 of Group VI claims in part a process of making a catalyst composition from a solution "formed ... of a vanadium compound, an antimony compound and one compound of M and at least one compound of M'... wherein M and M' are selected from the group consisting of magnesium, aluminum, zirconium, silicon, hafnium, titanium and niobium ...". The processes of making the catalyst of Example 8 in which a solution of aluminum, antimony, vanadium and niobium is formed and the catalyst of Example 9 in which a solution of aluminum, vanadium, antimony and magnesium is formed are both within the scope of Claim 37. The examples cited by the examiner do not support his assertion that the product as claimed can be made by another materially different process and, on this

basis, the restriction requirement should be withdrawn and the claims of Groups II and VI rejoined.

RESTRICTION OF GROUPS III AND VII

The examiner asserts that, though Group III is related to Group VII as product and process of making, the product as claimed can be made by another materially different process and cites MPEP §806.05(f) which is entitled "Process of Making and Product Made - Distinctness".

The examiner cited "the examples in page 42" as support for the product being made by a materially different product. Claim 6 of Group III claims in part a catalyst composition of the formula $VSb_aM_bQ_cO_d$ wherein Q is at least one element selected from the group consisting of rhenium, **tungsten**, molybdenum, tantalum, manganese, **phosphorus**, cerium, tin, **boron**, scandium, bismuth, gallium, indium, iron, chromium, lanthanum, yttrium, **zinc**, cobalt, nickel, cadmium, copper, strontium, barium, calcium, silver, potassium, sodium and cesium ..." (emphasis added). Examples 57-60 on page 42 discloses catalysts of nominal compositions $VSb_9Al_6Q_6O_{18}$ where Q is phosphorus, zinc, boron and tungsten prepared by dissolving an aluminum compound in water, dissolving an antimony compound in water, adding a vanadium compound dissolved to the antimony suspension, adding the vanadium/antimony suspension to the aluminum gel, forming a powder of the

precipitate and impregnating the powder with a phosphorus compound, a zinc compound, a boron compound or a tungsten compound. $VSb_3Al_2Q_2O_8$ where Q is phosphorus, zinc, boron and tungsten of Examples 57-60 are within the scope of Claim 6.

Claim 57 of Group VII claims in part a process of making a catalyst composition by forming a solution of a vanadium compound, an antimony compound and at least one compound of M wherein M is selected from the group consisting of magnesium, aluminum, zirconium, silicon, hafnium, titanium and niobium and "[impregnating] a compound of Q ... on the solid before or after the calcination step wherein Q is selected from the group consisting of rhenium, tungsten, molybdenum, tantalum, manganese, phosphorus, cerium, tin, boron, scandium, bismuth, gallium indium, iron, chromium, lanthanum, yttrium, zinc, cobalt, nickel, cadmium, copper, strontium, barium, calcium, silver, potassium, sodium and cesium ...". The process of making the catalysts of Examples 57-60 in which a solution of aluminum, antimony, and vanadium is formed and the resulting solid impregnated with phosphorus, zinc, boron or tungsten is within the scope of Claim 57. The examples cited by the examiner do not support his assertion that the product as claimed can be made by another materially different process and, on this basis, the restriction requirement should be withdrawn and the claims of Groups III and VII rejoined.

RESTRICTION OF GROUPS IV AND VIII

The examiner asserts that, though Group IV is related to Group VIII as product and process of making, the product as claimed can be made by another materially different process and cites MPEP §806.05(f) which is entitled "Process of Making and Product Made - Distinctness".

The examiner cited "the examples in page 44" as support for the product being made by a materially different product. Claim 10 of Group IV claims in part a catalyst composition of the formula $VSb_aM_bQ_cQ'_cO_x$ wherein Q and Q' are each one element selected from the group consisting of rhenium, **tungsten**, molybdenum, **tantalum**, manganese, phosphorus, cerium, tin, **boron**, **scandium**, **bismuth**, gallium, **indium**, iron, chromium, lanthanum, **yttrium**, zinc, cobalt, nickel, cadmium, copper, strontium, barium, calcium, silver, potassium, sodium and cesium ..." (emphasis added). Examples 61-68 on page 44 discloses catalysts of nominal compositions $VSb_3Al_3W_{0.06}Q_cO_x$ where Q is boron, indium, yttrium, scandium, bismuth and tantalum prepared by dissolving an aluminum compound in water, dissolving an antimony compound in water, adding a vanadium compound dissolved to the antimony suspension, adding the vanadium/antimony suspension to the aluminum gel, forming a powder of the precipitate and impregnating the powder with a tungsten compound and a boron compound, an indium compound, a yttrium compound, a scandium compound, a bismuth compound or a

tantalum compound. $VSb_3Al_4W_{0.06}Q_2O_x$ where Q is boron, indium, yttrium, scandium, bismuth and tantalum is within the scope of Claim 10.

Claim 80 of Group VIII claims in part a process of making a catalyst composition by forming a solution of a vanadium compound, an antimony compound and at least one compound of M wherein M is selected from the group consisting of magnesium, aluminum, zirconium, silicon, hafnium, titanium and niobium and "[impregnating] compounds of Q and Q' ... on the solid before or after the calcination step wherein Q and Q' are each selected from the group consisting of rhenium, tungsten, molybdenum, tantalum, manganese, phosphorus, cerium, tin, boron, scandium, bismuth, gallium indium, iron, chromium, lanthanum, yttrium, zinc, cobalt, nickel, cadmium, copper, strontium, barium, calcium, silver, potassium, sodium and cesium ...". The process of making the catalysts of Examples 61-68 in which a solution of aluminum, antimony and vanadium is formed and the resulting solid is impregnated with tungsten and boron, indium, yttrium, scandium, bismuth or tantalum is within the scope of Claim 80. The examples cited by the examiner do not support his assertion that the product as claimed can be made by another materially different process and, on this basis, the restriction requirement should be withdrawn and the claims of Groups IV and VIII rejoined.

RESTRICTION OF GROUPS I/II/III/IV AND V/VI/VII/VIII

MPEP §806.05(f) provides that a product and a process of making the product can be shown to be distinct inventions if the product as claimed can be made by another materially different process.

MPEP §802.01 defines distinct as follows:

DISTINCT

The term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art). . . .

The applicants submits that the examiner has not shown the Group I/II/III/IV claims and the Group V/VI/VII/VIII claims to be distinct, respectively, in accordance with the above definition. The catalyst of Group I/II/III/IV is the very catalyst made in the respective process of the Group V/VI/VII/VIII claims. The examiner has not shown the catalyst of Group I/II/III/IV as claimed can be made in a process other than the respective process of Group V/VI/VII/VIII.

Moreover, even assuming that Groups I and V, Groups II and VI, Groups III and VII, and Groups IV and VIII are directed to patentably distinct subject matter, it would appear as a practical matter that the field of search for the subject matter of Group I/II/III/IV would find little, if any, diversity from the field of

search for the subject matter of Group V/VI/VII/VIII, respectively. In this regard, the asserted utility of the catalysts set forth in the claims of Group I/II/III/IV is as a catalyst of a particular composition and the asserted utility of the claims of Group V/VI/VII/VIII is as process for making a catalyst of the composition of the catalyst of the claims of Group V/VI/VII/VIII, respectively. This being the case, it would appear that the field of search for the subject matter of Group I/II/III/IV would include the field of search for the subject matter of Group V/VI/VII/VIII, respectively. In fact, it is noted that the claims of Groups I, II, III, IV, V, VI, VII and VIII are all classified in the same class (class 502). Since the fields of search for the groups of claims would appear to be largely co-extensive, examination of the groups of claims together, even assuming that they are directed to patentably distinct inventions, would best serve the interest of the Patent and Trademark Office, the public and the present applicants.

As noted by MPEP §803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

**CRITERIA FOR RESTRICTION BETWEEN
PATENTABLE DISTINCT INVENTIONS**

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05 - §806.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP §803.02, §806.04(a) - §806.04(i), §808.01(a), and §808.02).

The applicants submit that examination of the claims of the groups does not present a serious burden on the examiner and request that the claims of Groups I-IV and Groups V-VIII be rejoined.

RESTRICTION OF GROUPS I AND IX

The examiner asserts that, though Group I is related to Groups IX as product and method of use, the process of using the product can be practiced by another materially different product and cites MPEP §806.05(h) which is entitled "Product and Process of Using".

As set forth in MPEP §806.05(h), the burden is on the examiner to provide an example in support of his assertions. Absent such an example, the restriction requirement should be withdrawn. For the restriction of Group I and Group IX (NOTE: The Office Action referred to Groups I and VIII as product and method of use; however Group VIII is a process of making and Group IX is a method of use, so the applicants assume the this restriction refers to Group IX), the examiner cited claims 126, 127 and 128 as support for another materially different product used in the process of using as claimed. Claims 126, 127 and 128 are all dependent on Claim 107 which claims in part a process of

"contacting a mixture of an alkane or olefin, ammonia and molecular oxygen in the gas phase with a catalyst". Claims 126, 127 and 128 do not specify an additional process step. The process steps of Claim 107 of Group IX are the same process steps of Claims 126, 127 and 128. The process of Claims 126, 127 and 128 is within the scope of Claim 107. The example cited by the examiner does not support his assertion that another materially different process can be used in the process of using as claimed and, on this basis alone, the restriction requirement should be withdrawn and the claims of Groups I and IX rejoined.

RESTRICTION OF GROUPS II AND X

The examiner asserts that, though Group II is related to Groups X as product and method of use, the process of using the product can be practiced by another materially different product and cites MPEP §806.05(h) which is entitled "Product and Process of Using".

As set forth in MPEP §806.05(h), the burden is on the examiner to provide an example in support of his assertions. Absent such an example, the restriction requirement should be withdrawn. For the restriction of Group II and Group X (NOTE: The Office Action referred to Groups II and IX as product and method of use; however Group IX refers to $VSb_3M_2O_8$ and Group II refers to $VSb_3M_2M'_{2n}O_{8n}$, so the applicants assume the this restriction refers

to Group X which refers to $VSb_aM_bM'_b(O_2)$, the examiner cited claims 127, 127 and 128 as support for another materially different product used in the process of using as claimed. Claim 126 of Group X is dependent on Claim 107, which claims in part a process of "contacting a mixture of an alkane or olefin, ammonia and molecular oxygen in the gas phase with a catalyst", and does not specify an additional process step. Claims 127 and 128 are also dependent on Claim 107 and do not specify an additional process step. The process steps of Claim 126 of Group X are the same process steps of Claims 107, 127 and 128. The process of Claims 126, 127 and 128 is within the scope of Claim 107. The example cited by the examiner does not support his assertion that another materially different product can be used in the process of using as claimed and, on this basis alone, the restriction requirement should be withdrawn and the claims of Groups II and X rejoined.

RESTRICTION OF GROUPS III AND XI

The examiner asserts that, though Group III is related to Groups XI as product and method of use, the process of using the product can be practiced by another materially different product and cites MPEP §806.05(h) which is entitled "Product and Process of Using".

As set forth in MPEP §806.05(h), the burden is on the examiner to provide an example in support of his assertions. Absent such an example, the restriction requirement should be withdrawn. For the restriction of Group III and Group XI (NOTE: The Office Action referred to Groups II and X as product and method of use; however Group X refers to $VSb_aM_bM'_bO_x$ and Group III refers to $VSb_aM_bQ_cO_x$, so the applicants assume the this restriction refers to Group XI which refers to $VSb_aM_bQ_cO_x$), the examiner cited claims 126 and 128 as support for another materially different product used in the process of using as claimed. Claim 127 of Group XI is dependent on Claim 107, which claims in part the process of "contacting a mixture of an alkane or olefin, ammonia and molecular oxygen in the gas phase with a catalyst", and does not specify an additional process step. Claims 126 and 128 are also dependent on Claim 107 and do not specify an additional process step. The process steps of Claim 127 of Group XI are the same process steps of Claims 107, 126 and 128. The process of Claims 126, 127 and 128 is within the scope of Claim 107. The examples cited by the examiner do not support his assertion that another materially different product can be used in the process of using as claimed and, on this basis alone, the restriction requirement should be withdrawn and the claims of Groups III and XI rejoined.

RESTRICTION OF GROUPS IV AND XII

The examiner asserts that, though Group IV is related to Groups XII as product and method of use, the process of using the product can be practiced by another materially different product and cites MPEP §806.05(h) which is entitled "Product and Process of Using".

As set forth in MPEP §806.05(h), the burden is on the examiner to provide an example in support of his assertions. Absent such an example, the restriction requirement should be withdrawn. For the restriction of Group IV and Group XII, the examiner cited claims 126 and 127 as support for another materially different product used in the process of using as claimed. Claim 128 of Group XII is dependent on Claim 107, which claims in part the process of "contacting a mixture of an alkane or olefin, ammonia and molecular oxygen in the gas phase with a catalyst", and does not specify an additional process step. Claims 126 and 127 are also dependent on Claim 107 and do not specify an additional process step. The process steps of Claim 128 of Group XII are the same process steps of Claims 107, 126 and 127. The process of Claims 126, 127 and 128 is within the scope of Claim 107. The examples cited by the examiner do not support his assertion that another materially different product can be used in the process of using as claimed and, on this basis alone,

the restriction requirement should be withdrawn and the claims of Groups IV and XII rejoined.

RESTRICTION OF GROUPS I/II/III/IV AND IX/X/XI/XII

MPEP §806.05(h) provides that a product and a process of using the product can be shown to be distinct inventions if the process as claimed can be used with another materially different product. The catalyst of the Group I/II/III/IV claims is necessary and essential to an ability to practice the process of the Group IX/X/XI/XII claims, respectively. Without the catalyst of the Group I/II/III/IV claims the respective process of the Group IX/X/XI/XII claims could not be practiced. The Group I/II/III/IV and Group IX/X/XI/XII claims are not distinct.

MPEP §800.01 defines distinct as follows:

DISTINCT

The term "distinct" means that two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER (though they may each be unpatentable because of the prior art). . . .

The applicants submits that the examiner has not shown the Group I/II/III/IV claims and the Group IX/X/XI/XII claims to be distinct, respectively, in accordance with the above definition. The catalyst of Group I/II/III/IV is the very catalyst used in the respective process of the Group

IX/X/XI/XII claims. The examiner has not shown the process of Group IX/X/XI/XII to be useful for a catalyst other than the respective catalyst of Group I/II/III/IV. To practice the process of Group IX/X/XI/XII as claimed one must first practice the respective catalyst of Group I/II/III/IV. If the Group IX/X/XI/XII claims were prior art to the Group I/II/III/IV claims, Group I/II/III/IV would not be respectively patentable over Group IX/X/XI/XII, and vice versa. The examiner has not shown Group I/II/III/IV to be distinct from Group IX/X/XI/XII and, on this basis alone, the restriction requirement should be withdrawn and the claims of Groups I/II/III/IV and IX/X/XI/XII rejoined.

Moreover, even assuming that the groups of claims are directed to patentably distinct subject matter, it would appear as a practical matter that the field of search for the subject matter of Group I/II/III/IV would find little, if any, diversity from the field of search for the subject matter of Group IX/X/XI/XII, respectively. In this regard, the asserted utility of the catalysts set forth in the claims of Group I/II/III/IV is as a catalyst of a particular composition and the asserted utility of the claims of Group IX/X/XI/XII is as process for using a catalyst of the composition of the catalyst of the claims of Group I/II/III/IV, respectively. This being the case, it would

appear that the field of search for the subject matter of Group I/II/III/IV would include the field of search for the subject matter of Group IX/X/XI/XII, respectively. In fact, it is noted that the claims of Groups I, II, III, IV, IX, X, XI and XII are all classified in the same class (class 502).

Since the fields of search for the groups of claims would appear to be largely co-extensive, examination of the groups of claims together, even assuming that they are directed to patentably distinct inventions, would best serve the interest of the Patent and Trademark Office, the public and the present applicants.

As noted by MPEP §803:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

**CRITERIA FOR RESTRICTION BETWEEN
PATENTABLE DISTINCT INVENTIONS**

There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §306.05 - §306.05(i)); and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP §803.02, §806.04(a) - §806.04(i), §808.01(a), and §808.02).

The applicants submit that examination of the claims of the groups does not present a serious burden on the examiner and request that the claims of Groups I-IV and Groups V-VIII be rejoined.

SERIAL NO. 10/036,866

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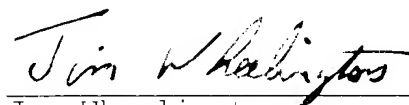
PATENT APPLICATION

STC-01-0002

The applicants believe that no extension of time under 37 CFR §1.136(a) is required. However, this conditional petition is being made to provide for the possibility that the applicants have inadvertently overlooked the need for a petition and fee for extension of time. If an additional extension of time is required, please consider this a petition therefor. The Commissioner is hereby authorized to charge any fees due by filing this paper or to credit any overpayment to Account No. 502025.

On the basis of the above remarks, reconsideration of this application is requested and its allowance requested at the examiner's earliest convenience. No new matter has been added.

Respectfully submitted,



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PATENT APPLICATION
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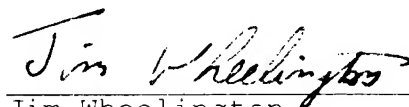
CERTIFICATE OF MAILING UNDER 37 CFR §1.8(a)

I hereby certify that this RESPONSE UNDER 37 CFR §1.143 along with any papers referred to as being attached or enclosed is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to:

Commissioner of Patents and Trademarks
Washington, D. C. 20231

Date: April 7, 2003

Respectfully submitted,



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